

**Summary of Statement of J. Owen Wise on August 19, 2008  
before the Maryland Commission on Capital Punishment**

- I. Commission's charge is to: "Make recommendations concerning the application and administration of capital punishment so that it is free from bias and error and achieves fairness and accuracy."
- II. Proposal
  - a. Mandatory screening / certification of all death penalty notices by impartial panel; can't proceed without their approval;
  - b. Panel to use same aggravation and mitigation criteria now set out for juries to consider in weighing death penalty;
  - c. Race of defendant and victim(s) not to be presented to panel in any way;
  - d. All cases certified by panel to be removed for trial to central court (capital cases automatically removed now by law);
  - e. Cases to be tried by jury chosen from statewide pool, and pre-qualified under Witherspoon;
  - f. Trials to be presented by attorneys with experience in such cases, and certified as being qualified by court of appeals. (Public Defender already has a unit that specializes in death penalty cases.)
  - g. Presiding judges in this court would also have to be experienced in capital cases and trained and certified by Court of Appeals. (Retired judges would be uniquely suited since they have no fixed docket for which they are responsible.)

This proposal is designed to avoid bias going in and to minimize errors.

Respectfully submitted,

J. Owen Wise  
PO Box 116  
Denton, MD 21629  
Tel.: (410) 479-2028